

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

KRISTEN M. SCALISE, Fiscal Officer  
Summit County Fiscal Office

: Case No:

Assigned to Judge

Plaintiff

:

COMPLAINT

-vs-

TAX LIEN FORECLOSURE

:

PALMYRA ACRES DEVELOPMENT LLC  
4703 Paxton Rd.  
Akron, OH 44321  
&  
c/o Angela Tipton  
1141 Oak Tree Rd.  
Akron, OH 44320

To foreclose the lien vested in  
Adair Asset Management LLC

Certificate number: 1507617-15  
1507617-16  
1507617-17  
1507617-18

:

UNITED STATES OF AMERICA  
c/o U.S. ATTORNEY GENERAL  
Main Justice Bldg. Room 5111  
10<sup>th</sup> Constitutional Ave.  
Washington, DC 20530  
&  
UNITED STATES OF AMERICA  
c/o U.S. ATTORNEY  
801 West Superior Ave. Ste 400  
Cleveland, OH 44113-1852

Permanent Parcel Number:  
15-07617

: Property Address:  
4703 Paxton Rd.  
Akron, OH 44321

Defendant(s).

FIRST CLAIM FOR RELIEF

1. The Plaintiff, Kristen M. Scalise, states that she is the Fiscal Officer of Summit County, Ohio.
2. Plaintiff brings this action pursuant to sections 5721.37, 323.25, 5721.18 (A) and 5721.42 of the Ohio Revised Code.

3. The Preliminary Judicial Report filed herein and incorporated herein by reference describes the property which is subject to this foreclosure which is referred to as parcel number 15-07617 (hereafter "the Parcel").

4. On or about November 6, 2015, tax certificate number 1507617-15, on the Parcel was sold by Plaintiff pursuant to sections 5721.33 et seq. of the Ohio Revised Code.

5. Adair Asset Management LLC purchased tax certificate number(s) 1507617-15 and is the holder of the tax certificate(s) and is vested with the first lien previously held by the State and its taxing districts for the amount of taxes, assessments, penalties, charges and interest including the prosecuting attorney's fee charged against the Parcel.

6. On or about October 13, 2016, tax certificate number 1507617-16, on the Parcel was sold by Plaintiff pursuant to sections 5721.33 et seq. of the Ohio Revised Code.

7. Adair Asset Management LLC purchased tax certificate number(s) 1507617-16 and is the holder of the tax certificate(s) and is vested with the first lien previously held by the State and its taxing districts for the amount of taxes, assessments, penalties, charges and interest including the prosecuting attorney's fee charged against the Parcel.

8. On or about October 27, 2017 tax certificate number 1507617-17, on the Parcel was sold by Plaintiff pursuant to sections 5721.33 et seq. of the Ohio Revised Code.

9. Adair Asset Management LLC purchased tax certificate number(s) 1507617-17 and is the holder of the tax certificate(s) and is vested with the first lien previously held by the State and its taxing districts for the amount of taxes, assessments, penalties, charges and interest including the prosecuting attorney's fee charged against the Parcel.

10. On or about October 17, 2018 tax certificate number 1507617-18, on the Parcel was sold by Plaintiff pursuant to sections 5721.33 et seq. of the Ohio Revised Code.

11. Adair Asset Management LLC purchased tax certificate number(s) 1507617-18 and I the holder of the tax certificate(s) and is vested with the first lien previously held by the State and its taxing districts for the amount of taxes, assessments, penalties, charges and interest including the prosecuting attorney's fee charged against the Parcel. As provided by Section 5721.38 (B) of the Ohio Revised Code, the redemption price is now calculated by the Fiscal Office to be: ONE HUNDRED SEVENTY NINE THOUSAND FOUR HUNDRED SEVENTY NINE DOLLARS & 75/100 (\$179,479.75), good through March 31, 2019.

12. On or about February 15, 2019, Adair Asset Management LLC, the certificate holder, filed with plaintiff a Request for Foreclosure.

13. On or about February 19, 2019, plaintiff certified to the Summit County Prosecuting Attorney that the Parcel had not been redeemed and that the certificate holder had made a foreclosure request. Exhibit "A," attached to the complaint, is the Request for Foreclosure form with the Fiscal Officer's certification that the Parcel has not been redeemed.

14. The following named defendants, to wit:

PALMYRA ACRE DEVELOPMENT LLC

UNITED STATES OF AMERICA

have or claim to have some interest in or lien upon said premises, but plaintiff not being fully advised as to the extent, if any, of such liens or claims, says that the same, if any, are inferior and subsequent to the lien of the plaintiff and the certificate holder and plaintiff prays that said defendants be required to set up their liens or claims, or be forever barred from asserting same against the premises described herein.

15. Plaintiff states that there is and will also be due and payable, and thereby a good and valid lien, any delinquent taxes, assessments, penalties, interest and charges on the Parcel that are not covered by the tax certificate(s) and fees and costs incurred in this foreclosure proceeding as provided in section 5721.39 of the Ohio Revised Code.

WHEREFORE, Plaintiff demands judgment against the defendants on the certificate of redemption price; the interest on the certificate at the rate of eighteen percent per year from the day payment was submitted by the certificate holder under section 5721.37 (B) of the Revised Code; any

delinquent taxes, assessments, penalties, interest and charges on the Parcel not covered by the tax certificate(s); and the fees and costs incurred in the foreclosure proceeding including, without limitation, the fees, costs and charges of the Prosecuting Attorney as provided in sections 5721.37 (B) and 5721.39 of the Revised Code; that the amounts due be declared to be valid first liens upon the property; that such liens be foreclosed; that unless the amounts found due together with costs of this proceeding be tendered to the Plaintiff prior to the filing of any entries of Confirmation of Sale pursuant to such proceeding, the equity of redemption of said parties shall be foreclosed; that any person owning or claiming any right, title, or interest in, or lien upon the property be required to answer, setting up their interest, if any, on said property or be forever barred from asserting same; that the Court order said property to be sold in the manner provided by section 5721.19 of the Revised Code; that an Order of Sale be issued to the Sheriff, directing him to advertise and sell said property at public sale in the manner provided by law; that thereafter a report of such sale be made by the Sheriff to the Court for further proceedings under law; and for such further and other relief as in law or equity this Plaintiff may be entitled.

Respectfully submitted,

SHERRI BEVAN WALSH

Summit County Prosecuting Attorney

/s/ Marrett W. Hanna

MARRETT W. HANNA #0065689

Assistant Prosecuting Attorney

53 University Avenue, 7<sup>th</sup> Floor

Akron, OH 44308

(330) 643-2792

(330) 643-8540 (fax)

mhanna@prosecutor.summitoh.net

DTE 122A  
Rev. 3/11**REQUEST FOR FORECLOSURE****FISCAL OFFICE**  
**County of Summit****FEB 15 2019****RECEIVED**

Pursuant to Ohio Revised Code 5721.37, I, Adair Asset Management, LLC, hereby file a request for a foreclosure action with the Summit County Treasurer on the following tax certificate(s) on this date February 12, 2019.

Tax Certificate number(s) 1507617-15 1507617-16 1507617-17 & 1507617-18 Lien year(s) 2013, 2015, 2016, 2017

Parcel Owner PALMYRA ACRES DEVELOPMENT LLC

Property Address 4703 PAXTON RD

Tax certificate sale date 11/6/2015 10/13/2016 10/27/2017 & 10/17/2018

The above certificate holder has submitted the following required monies and fees associated with this foreclosure request:

1. Certificate redemption prices of any other tax certificates sold on the parcel, other than tax certificates held by the certificate holder filing this form (certificates listed separately on the other side)..... \$0.00
2. Taxes, assessments, penalties, interest, and charges that are not covered by a tax certificate (itemized listing on the other side)..... \$22,534.78
3. Foreclosure fee prescribed by the county prosecutor..... \$3,000.00
4. Total paid on this date..... \$25,534.78

Signature \_\_\_\_\_

Tax certificate holder

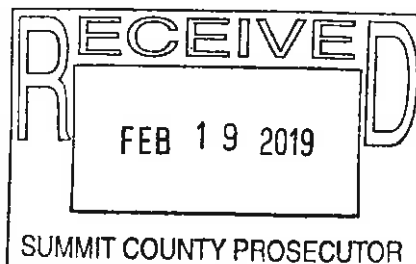
I hereby certify that the above certificate parcel has not been redeemed, the amount indicated in line 4 has been received

By me and the certificate holder has made a request for foreclosure, which I have submitted to the county prosecutor to

Commence foreclosure proceedings on the date: 2/15/19

Signature \_\_\_\_\_

Treasurer/Designee



DTE 122A  
Rev. 3/11**1507617-15 1507617-16 1507617-17 & 1507617-18****Other Tax Certificates on Parcel**

1. Tax certificate Number

Lien year (s) \_\_\_\_

Certificate redemption price \$

2. Tax certificate number \_\_\_\_

Lien year (s) \_\_\_\_

Certificate redemption price \$

3. Tax certificate number \_\_\_\_

Lien year (s) \_\_\_\_

Certificate redemption price \$

4. Tax certificate number \_\_\_\_

Lien year (s) \_\_\_\_

Certificate redemption price \$

Total (place on front of form) \$

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**Delinquent Taxes Not on a Tax Certificate**1. Lien year 2018Delinquent amount \$22,534.78

2. Lien year \_\_\_\_

Delinquent amount \$

3. Lien year \_\_\_\_

Delinquent amount \$

4. Lien year \_\_\_\_

Delinquent amount \$

Total (place on front of form) \$22,534.78